

Appl. No.: 10/665,176
TC/A.U.: 3711 Docket No.: B03-40
Reply to Office Action of May 3, 2004

REMARKS

Claims 1-3, 6-7, 10-20 and new claims 21-23 appear in this application for the Examiner's review and consideration.

Claim 1 has been amended to recite that the inner core has an inner diameter of about 1.45 to 1.55 inches and the outer core has a Shore C hardness of at least 80 such that the core has a compression of 60-100. Support for the amended elements is found in the Specification, on pages 11-16, which discuss the formulations and test results for the preferred golf balls having an inner core with a diameter of about 1.45 inches, and from original claims 4, 8 and 9.

New claims 21-23 have been added. No new matter has been added by these amendments and additions.

Rejection Over U.S. Patent No. 5,779,562

Claims 1-20 were rejected under 35 U.S.C. § 103(a) as being obvious in view of U.S. Patent No. 5,779,562. The present invention is directed to a dual-core, double-cover golf ball. The claimed ball, as set forth in claim 1, for example, includes a large inner core having a diameter of about 1.45 to 1.55 inches that is relatively soft. The inner core compression is between 15 and 55. However, the core includes a hard outer core layer having a Shore C of greater than 80, such that the overall core compression is between 60 and 100. The '562 patent does not teach or suggest this type of ball.

The '562 patent is also directed to a dual-core, double-cover golf ball. However, the patent is directed to a central core and outer core layer that are formed of the same rubber composition including rubber base, crosslinking agent, free radical initiator and modifying ingredients, except for the specific gravity controlling filler. Col. 5, lines 11-28. The patent states that the characteristics of the core layers are such that the moment of inertia is adjusted to increase or decrease the backspin of the golf ball. Col. 4, lines 9-14.

To establish a *prima facie* case of obviousness, the Examiner should find a reference or references that suggest the claimed invention. The Examiner must find some suggestion or motivation to modify the reference without using the Applicants' teachings. The '562 patent fails to teach the elements set forth in the Applicants' claims. As set forth above, the claimed invention is directed to a large, soft inner center with a compression of 15-55 and a harder outer layer so that the core compression is 60-100. The '562 patent does not teach this type of hard-over-soft core and

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teaches a smaller center. The center of the '562 patent is between 10 and 35 mm (0.38 to 1.38 inch). Thus, it is clear that the '526 patent does not suggest the claimed elements and that any modification to the invention set forth in the '526 patent to try to get to the invention claimed herein would alter the teachings of that reference. It is important to have sufficient volume of both layers in the '526 patent to effect the moment of inertia with changes in specific gravity. The present invention is directed to an entirely different type of ball. For at least these reasons, claim 1 and all the claims that depend therefrom are believed to be patentable over the '526 patent.

Additionally, this reference does not teach the elements in new claim 23. For example, the Examiner stated that the '526 patent, in Fig. 1, teaches that the core hardness can be 30-90. However, Fig. 1 shows that the inner center of the core can have this hardness range, not the outer layer. The present invention specifically teaches a large, soft inner core and a hard outer layer. This is not suggested by the '526 patent at all. For at least this reason, new claim 23 and the claims that depend therefrom are believed to be allowable.

Conclusion

Based on the remarks set forth above, Applicants believe that all of the rejections have been overcome and the claims of the subject application are in condition for allowance. Should the Examiner have any further concerns or believe that a discussion with the Applicants' attorney would further the prosecution of this application, the Examiner is encouraged to call the attorney at the number below.

At the time of filing, the above-identified Application included a total of 20 claims, 1 of which were independent claims. The present submission has cancelled 4 dependent claim(s), added 2 new dependent claim(s) and 1 new independent claim(s). As such, no fee is believed to be due for this submission. Please charge any required fees to Acushnet Company Deposit Account No. 502309.

Respectfully submitted,

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Date


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Page 6 of 6